

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, T. CAMPBELL,  
HERNANDEZ and WHITE,

Defendants.

Case No. 1:23-cv-00054-HBK (PC)

ORDER FINDING PLAINTIFF'S MOTION  
MOOT AND DENYING THE MOTION

(Doc. No. 100)

Pending before the Court is Plaintiff's motion requesting the Court to lift the stay and direct Defendants to file a response to his pending motion for summary judgment. (Doc. No. 100 at 1). Plaintiff alternatively asks the Court to enter a default for Defendants' failure to respond to his motion for summary judgment. (*Id.* at 2).

The Court did not stay this case, but did afford Defendants extensions of time to respond to Plaintiff's motion for summary judgment. (Doc. Nos. 87, 121, 124). Defendants' response to Plaintiff's motion for summary judgment was due on March 25, 2025. (Doc. No. 124). On March 25, 2025, Defendants timely filed an opposition to Plaintiff's motion for summary judgment. (Doc. No. 126). Thus, Defendants have timely responded to the motion for summary judgment so Plaintiffs' motion seeking a court order directing a response is moot. Further, because Defendants timely filed a response to the motion for summary judgment, Plaintiff is not

entitled to a default judgment on his motion for summary judgment. Indeed, a court may not automatically grant summary judgment to a party solely because the other party fails to properly oppose the motion. *See* Fed R. Civ. P. 56(e)(2)-(3); *Heinemann v. Satterberg*, 731 F.3d 914, 917 (9th Cir. 2013).

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for order directing Defendant's to respond to motion for summary judgment (Doc. No. 100) is moot.
2. Plaintiff's motion for default (Doc. No. 100) is DENIED.
3. Plaintiff may file a reply to Defendants' opposition within fourteen (14) days of receipt of Defendants' opposition. Local Rule 230(l). If no reply is filed within fourteen (14) days or Plaintiff does seek an extension of time to file a reply, Plaintiff's motion for summary judgment and the opposition will be deemed submitted.

Dated: March 31, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE